

**From:** lee2@wt6.usdoj.gov@inetgw  
**To:** Microsoft ATR  
**Date:** 12/9/01 1:30pm  
**Subject:** Microsoft Proposed Final Settlement

This is a weak, weak, settlement.

First of all, Microsoft enjoys its current market position in large part due to past anti-competitive activities, which gives Microsoft an unfair market advantage even if they were to cease all such objectionable activity immediately. Competing operating systems will consequently continue to suffer an unfair disadvantage if the settlement is to be solely a conduct remedy. If you want a truly competitive marketplace, you should split Microsoft into two companies, one for the OS and one for the applications. This would force Microsoft to port its applications (such as MS Office) to alternative OSs such as Linux and Unix, effectively ending Microsoft's stranglehold on the desktop market. If you must limit yourselves to conduct remedies, then please at least require Microsoft to port their office suites and media players to the competing OSs. Also, ensure that Microsoft's OS will continue to be Java-compatible, and compatible with emulators such as WINE, WinForLin, etc. Otherwise, Microsoft will continue to enjoy an unfair advantage due to their past anti-competitive behavior.

You should also consider that given Microsoft's track record of unscrupulous conduct, any conduct remedy will require that you keep them under extremely close and continuous scrutiny, and will need

to allocate a large staff and  
massive resources to do so  
effectively.

Really, you should have broken  
Microsoft up.

Lee Einer

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